

Memorandum

To: Job Nelson

From: James Ingram

Re: Proposed Charter Language on Office of Independent Budget Analyst for Interim
Strong Mayor Subcommittee

Date: August 27, 2007

Per Subcommittee request at the August 20th meeting, staff has drafted tentative Charter language regarding the Office of Independent Budget Analyst (IBA). This language would add to the Charter the portion of the Municipal Code in which the Council assigned the IBA's Office to handle legislative and policy analysis. This language would make it clear that the IBA's Office is authorized under the Charter to act as a legislative and policy analyst for the City Council.

Proposed Charter Language

Section 270: The Council

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(f) The Council shall have the right to establish an Office of Independent Budget Analyst to be managed and controlled by the Independent Budget Analyst. The Council shall appoint this independent officer who shall serve at the pleasure of the Council and may be removed from Office by the Council at any time. The Council shall determine the powers of this Office and its manager by ordinance. **The powers of this Office shall not be limited to the analysis of fiscal and budgetary matters. Upon request of the Council, the Office of Independent Budget Analyst shall be authorized to provide policy research and analysis on proposed legislation, prepare reports on budgetary and legislative policy concerns, and make recommendations to the Council in connection with any of these reports.**

Staff Analysis

Opponents might argue this language is unnecessary, as Charter section 270(f) currently authorizes the Council to empower the IBA via ordinance. In fact, the Council has already tasked the IBA with these duties. Under California law, every word added to a Charter serves as an additional restraint on the powers of a City and its elected officials. The proposed amendment would limit the Council's flexibility, such that its members could not later decide to create a separate entity, such as an Office of Legislative Analyst. The proposed language might constrain the Council by implying that these functions should be part of the IBA's Office.

Proponents could counter that the Council is hamstrung if the Charter does not clearly authorize the IBA's Office to provide these legislative and policy-related analyses. In order to create strong checks and balances for the City, the Council needs an agency authorized to provide analysis independently of the executive branch. According to this line of argument, the IBA must be able to conduct more general policy analyses to enable the Council in order to perform its oversight responsibilities. The Council needs the scope of the IBA to extend beyond fiscal matters because its monitoring duties include more than just the City's budget.